

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MAURICE HARDY,

Petitioner,

v.

Case No. 07-C-425

SAND RIDGE SECURE TREATMENT CENTER,

Respondent.

ORDER

On October 22, 2007, this court dismissed this § 2254 petition. Petitioner has filed a letter asking the court to reconsider that decision. It appears he is upset with the Chapter 980 program in general and believes it is easier to challenge his underlying conviction in 1996 than it is to be released under Chapter 980.

As the magistrate judge noted, the petitioner does not state grounds for relief under 28 U.S.C. § 2254, the federal habeas corpus statute. Petitioner's letter asks why he cannot merely reopen his conviction and take back his guilty plea, and the answer is that the federal rules governing habeas corpus do not generally allow that sort of relief. Petitioner must, in the first instance, identify a constitutional error committed by a state court during his conviction or appeal. Petitioner has not attempted to do that; instead he states that his guilty plea was a "foolish mistake." That does not present grounds for a federal habeas corpus action.

Second, the federal habeas statute requires the petitioner to take his claims to the state courts before bringing them in a federal action. 28 U.S.C. § 2244(b). There is no indication that the

petitioner has done so here. Finally, federal habeas corpus rules impose a one-year statute of limitations on habeas challenges. 28 U.S.C. § 2244(d). This means that petitioner had one year to file a § 2254 action following any review of his conviction by the state courts. There is thus a strong indication that the petition – filed eleven years after the conviction he challenges – is untimely by several years. Surely none of this is of much comfort to the petitioner, but the point is that federal habeas corpus relief – which is what the petitioner seeks – is a narrow remedy available only in certain circumstances not applicable here. For these reasons the request for reconsideration is **DENIED**.

SO ORDERED this 29th day of October, 2007.

s/ William C. Griesbach
William C. Griesbach
United States District Judge